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09/588,902	06/09/2000	Joseph C. Kawan	CITI0166-US	1623

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EXAMINER

AKERS, GEOFFREY R

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 07/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application 09/588902	Applicant(s) Kawan	
	Examiner Akers, G	Art Unit 3624	Confirmation No.

- The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 6/30/03
- ☒ This action is **FINAL**. ☐ This action is non-final.
- ☐ Since this application is in condition for allowance except for the formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-28 is/are pending in this application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-28 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved or ☐ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.
- ☐ The drawing(s) filed on _____ is/are ☐ accepted or ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d) or (f).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received:

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- ☐ The translation of the foreign language provisional application has been received.
- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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DETAILED ACTION

Response to Amendment

1. This action is issued in reply to applicant's Amendment B(Paper #11) dated 6/30/03.
2. Claims 13 was amended typographically. No claims were added; none were deleted.
3. Claims 1-28 are pending.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-28 are rejected under 35 USC 103(a) as unpatentable over Camp(US Pat. No: 6,317,729) in view of Doggett(US Pat. No:5,677,955) and further in view of Rosen(US Pat. No:6,081,790).
6. As per claims 1,20,22,25,28 Camp teaches a method for facilitating a financial transaction over a network(Abstract)(col 3 lines 46-47) comprising a programmable memory device which contains the following for formulating payment instructions network address instructions(col 3 line 46-col 4 line 9). Camp does not explicitly teach a digital certificate and encryption. Doggett teaches this(Fig 3)(Abstract)(col 3 lines 1-11).Furthermore, Doggett also teaches electronic funds transfer instruments utilizing networks(Abstract)(Fig 3)(Fig 4). Camp furthermore teaches

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formulating payment instructions and network address instructions(col 3 line 46-col 4 line 9)(Table 1)(Table 2) including certified delivery within a Secure Electronic Transaction(1996) framework and multiple messages in a protocol(col 7 line 15-col 10 line 10) as well as dealing with a first user and a second user(Fig 1) as well as appropriate routing(col 7 line 40-col 11 line 45) as well as verifying payment and customer data(Fig 2) and the appropriate networking protocol and instructions. Camp further teaches issuing software to a second user wherein the software includes payment information of the second user including a second user's financial account information wherein said software is capable of interacting with the programmable memory device over the first network(col 8 line 8-27)(col 11 line 29-col 12 line 32) as well as formulating a connection between the programmable memory device and the software(col 7 lines 45-46) and receiving across the connection the payment instructions(Fig 2/6/9/10) and routing the payment information and instructions to the issuer utilizing the network(col 11 lines 11-45) as well as receiving the payment information and instructions where the issuer is capable of accessing one of the first user's and second user's financial account information(Fig 1/5)(Fig 2/6)(col 10 line 32)(col 11 lines 29-32)(Table 2).Rosen teaches electronic funds transfer using secure methods in a network consisting of a trusted agent, merchant,and a cusromer network(Fig 6) utilizing a memory and cryptographic secure methods(col 1 line 64-col 2 line 26). It would have been obvious to one skilled in the art at the time of the invention to combine Camp in view of Doggett to teach part of the above. The motivation to combine is to teach a computer-based method for electronic fundas transfer as enunciated by Doggett(col 3 lines 1-11).It also would

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have been obvious to one skilled in the art at the time of the invention to combine Camp in view of Doggett and further in view of Rosen to teach all of the disclosure. The motivation to combine is to teach a system for presentment and payment information which is electronically signed by trusted agents so that neither a merchant nor a customer can repudiate as enunciated by Rosen(col 2 lines 5-9).

7. As per claim 2 Camp teaches according to claim 1. Camp fails to teach wherein the payment information of the second user further includes a second user's digital certificate. Rosen teaches this in multiple trusted agents(Fig 5A)(Fig 5B)(Fig 5C)(Fig 5D)(col 10 lines 10-16)(col 10 lines 45-50).It would have been obvious to one skilled in the art at the time of the invention to combine Camp in view of Doggett to teach part of the above. The motivation to combine is to teach a computer-based method for electronic funds transfer as enunciated by Doggett(col 3 lines 1-11).It also would have been obvious to one skilled in the art at the time of the invention to combine Camp in view of Doggett and further in view of Rosen to teach all of the above. The motivation to combine is to teach a system for presentment and payment information which is electronically signed by trusted agents so that neither a merchant nor a customer can repudiate as enunciated by Rosen(col 2 lines 5-9).

8. As per claims 3,10 Camp teaches the method according to claims 1,7 where the first or second network is the Internet(col 7 lines 15-22)(col 3 lines 46-49).

9. As per claims 4,21,23,26 Camp teaches the method according to claims 1,20,22,25 where the network is the Internet(col 7 lines 15-22)(col 3 lines 46-49).

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10. As per claim 5 Camp teaches the network of claim 1 wherein the address instructions include a URL(col 7 line 22)(col 3 lines 46-49).

11. As per claim 6 Camp teaches the method of claim 1 including authorizing a payment amount read from the instructions(Table 2).

12. As per claim 7 Camp teaches the method of claim 6 wherein authorizing a payment amount includes requesting via a second network authorization from a first user's financial institution(col 8 line 40-col 9 line 20).

13. As per claim 8 Camp teaches the method of claim 7 wherein the payment instructions further include an encrypted PIN recognizable by ther first user's financial institution for accessing financial account information(col 8 lines 15-27).

14. As per claim 9 Camp teaches the method according to claim 7 where the network is the Internet(col 7 lines 15-22)(col 3 lines 46-49).It would have been obvious to one skilled in the art at the time of the invention to combine Camp in view of Doggett in view of Rosen to teach the above and to apply an ATM terminal at the customer site to these transactions as a means of linking with the network.It would also have been obvious to one skilled in the art at the time of the invention to combine Camp in view of Doggett to teach part of the above. The motivation to combine is to teach a computer-based method for electronic fundas transfer as enunciated by Doggett(col 3 lines 1-11).It also would have been obvious to one skilled in the art at the time of the invention to combine Camp in view of Doggett and further in view of Rosen to teach all of the above. The motivation to combine is to teach a system for presentment and payment

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information which is electronically signed by trusted agents so that neither a merchant nor a customer can repudiate as enunciated by Rosen(col 2 lines 5-9).

15. As per claim 11 Camp teaches the method according to claim 1. Camp teaches wherein the programmable memory device is employed (col 3 line 46-col 4 line 9). Camp does not specifically teach that the programmable device is a smart card. Rosen teaches this(col 2 lines 9-13) which include debit cards which may be smart cards(col 4 lines 19-23)(col 7 line 64-col 8 line 8). It would have been obvious to one skilled in the art at the time of the invention to combine Camp in view of Doggett to teach part of the above. The motivation to combine is to teach a computer-based method for electronic funds transfer as enunciated by Doggett(col 3 lines 1-11). It also would have been obvious to one skilled in the art at the time of the invention to combine Camp in view of Doggett and further in view of Rosen to teach all of the above. The motivation to combine is to teach a system for presentment and payment information which is electronically signed by trusted agents so that neither a merchant nor a customer can repudiate as enunciated by Rosen(col 2 lines 5-9).

16. As per claims 12,17 Camp teaches the method according to claim 1 wherein the first(second) user's financial account information includes his(first) account identifier(col 7 lines 45-50).

17. As per claims 13,18 Camp teaches the method according to claims 1,17 wherein the first(second) user's financial account information includes his account identifier or account type(col 7 line 47)(col 7 line 57).

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18. As per claims 14,19 Camp teaches the method according to claim 1 wherein the first(second) user's financial account information includes the financial institutions's routing number(Table 2).

19. As per claim 15 Camp teaches the method according to claim 1 wherein the encryption program contains a private key generated by the issuer(col 9 lines 22-30).

20. As per claim 16 Camp teaches the method according to claim 1 wherein the encryption program generates a private/public key pair within the programmable memory device(col 3 lines 25-44)(col 4 lines 4-44)(Table 1).

Response to Arguments

21. Applicant's arguments with respect to claims 1-28 have been considered but are not persuasive. Camp teaches a method for facilitating a financial transaction over a network(Abstract)(col 3 lines 46-47) comprising a programmable memory device which contains the following for formulating payment instructions network address instructions(col 3 line 46-col 4 line 9)(Table 1)(Table 2) including certified delivery within a Secure Electronic Transaction(1996) framework and multiple messages in a protocol(col 7 line 15-col 10 line 10) as well as dealing with a first user and a second user(Fig 1) as well as appropriate routing(col 7 line 40-col 11 line 45) as well as verifying payment and customer data(Fig 2) and the appropriate networking protocol and instructions. Doggett teaches encryption and a program and the use of a digital certificate for a user(Fig 3)(Abstract)(col 3 lines 1-11). Together these references address applicant's remaining features.

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Conclusion

22. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

23. Any questions concerning this communication should be addressed to the examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the examiner are unsuccessful, the examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.


GRA

July 14, 2003

DR. GEOFFREY R. AKERS, P.E.
PRIMARY EXAMINER